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ABSTRACT

Guidelines in an outline format are presented to school board members and administrators on how to handle impasses in bargaining. The following two rules are given: there sometimes may be strikes, but there always will be settlements; and on the way to settlements, there always will be impasses. Suggestions for handling impasses are listed under the following headings: (1) keys to resolving an impasse; (2) how not to resolve an impasse; (3) keeping the pressure on; (4) dealing wih personal attacks; (5) kinds of impasses; (6) use of the impasse procedures; (7) timing and balance; and (8) review the district's position. (EM)

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CLINIC B-24

HOW TO HANDLE IMPASSES IN BARGAINING

Rule 1: There may sometimes be strikes, but there will always be settlements.

Rule 2: On the way to a settlement, there will always be impasses.

A. The key to resolving an impasse is:

1) Remain flexible;
2) Work hard - use all resources;
3) Be creative.

B. How not to resolve an impasse:

1) Take a "the balls in their court" philosophy;
2) Take a "stick it where the sun never shines" philosophy;
3) Try nothing new.

C. Keep the pressure on:

1) Be ready to endlessly propose new approaches;
2) Communicate directly to your teachers;
3) Invoke impasse procedures;
4) Cite recent settlements in which union was a party;
5) Utilize the media.

D. Personal attacks:

1) Do not make them - they will deepen an impasse;
2) Do not react to them - it serves no purpose;
3) Have one press spokesperson only;
4) Exception to #1: On rare occassions making the other side's bargainer the issue can break an impasse;
5) Exception to #2: It may be necessary to respond to personal attacks in the media. This should be done by the "press spokesman" and should be a factual response.

E. Kinds of Impasse:

1) Time, date and place of meetings?
2) Whose document is to be worked from?

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3) "Educational" Issues - Teacher input into curriculum, special programs, texts, class size, student discipline, school year, school calendar, number of classes per day, length of classes, teacher aides, materials, non-teaching duties, evening programs, coaching assignments, student discipline.
4) Contracting Out Issues - Relevant in non-teacher bargaining.
5) Non-Insurance Benefit Issues - Sabatical leave, personal leave, sick days, disability leave, grievance definition and procedure, choice of forum, reimbursement for costs of additional education, approval process for college courses, job posting and bid procedures, funeral leave, jury duty, teacher lounges, cafeteria service.
6) Miscellaneous - Term of Agreement, union security, bulletin board access, leave for union officials.
7) Pension issues - probably minimal in past but this will be changing, early retirement bargaining.
8) Insurance benefit issues - New benefits, reduction of benefits, dependent coverage, employee premium contribution, insurance carrier, surgical schedules, deductibles, expanded use of major medical concept, HMOs, retiree coverage.
9) Compensation - Entry level wages, wages of math and science teachers, basic wage increase or freeze, increasing or decreasing the number of steps, wage gap between steps, wage value of a particular degree, payment for special duties (coaching, band director, trip monitor, etc.), timing of wage increases.
10) Job Security - RIFs, maintenance of positions during term of agreement, relating reduction of positions to reduction of student population, manner of making RIFs, use of certifications and experience as factors in realignment of positions, displacement of teachers by demoted administrators.

G. Use of the Impasse Procedures:

1) Do not hesitate to call in a mediator;
2) Fight for a competent mediator - be willing to make phone calls.
3) Control the process - convince the mediator to schedule or not schedule meetings; force him (her) to work; demand that he carry and deliver messages; insist that he probe the positions of both parties; cause him to transport and discuss an unending stream of adjusted proposals.
4) Do not tell the mediator your bottom line. His (her) job is to get and keep the communication process going: it is not to bargain.

5) Be willing to try new approaches under mediator: i.e. package bargain, meet during the day, reduce the size of the bargaining teams, change meeting locations, have lunch (dinner) brought in.
6) Educate the mediator as to other recent settlements: Explain Board positions on policy, budget and taxes But do not discuss Board "politics" with him except to emphasize the strength of the Board's stance.

H. Timing and Balance:

1) Timing is everything in moving off an impasse: This takes experience. Find a bargainer with the right sense of timing vis-a-vis the Board's proposals or other actions.
2) Bargaining involves economic power and the power of argument. The latter point is usually underestimated. The ultimate result of bargaining is always impacted by the quality (logic) of arguments used. Successfully utilized argument keeps the Board in a "balanced" position and throws the union off-balance. The use of sound argument is part of the technique for controlling the process.
3) Maintaining Balance:

a) Always argue from facts and logic: no appeals to emotion.
b) Recognize what logic exists in the arguments of your opponent even if it fails to recognize the logic of yours, and point this difference out.
c) Attack the erroneous logic of your opponent politely noting that a reiteration of that "logic" will not advance bargaining. Insist that all "demands" be logically justified.
d) Be ready to list the times you have moved, made proposals, adjusted positions in an effort to move bargaining forward. Indicate a willingness to keep doing these things.
e) Be flexible on retroactivity, be willing to bargain frequently after a contract has ended, but, once struck, halt all insurance premium payments.

4. Keep the others side off balance:

a) Go over each union proposal exhaustively in collective bargaining. Be willing to be tediously irritating as you seek to understand its impact and the logic for it.
b) Avoid, especially in the beginning, endless "little" moves. Make dramatic moves.
c) Be willing to make bargaining "leaps" i.e. suddenly announce that a one (1) year contract is acceptable and ask if the Union would want to see such a proposal.

d) Label certain issues "strike" issues. Refuse to "bargain" issues outside the legitimate scope of bargaining but be willing to "discuss" them.
e) Bargain "around," in extreme cases, the Union's chief spokesperson.
f) Cultivate a situation where no "bargaining" or strike stories are published by the press unless it first gets your position. Issue press releases. Have a spokesperson be available (i.e. your bargainer).
g) Consider direct mailing notices to taxpayers and teachers.

I. Review the District's position: Remember

1) Not all past bargaining "mistakes" can be corrected at once.
2) Board bargaining "demands" ("proposals") are, like union "demands," not all achievable and those which are achieved must usually be compromised. Do not become enamored with your own proposals.
3) The keys to settlement are, almost always, and in this order: (1) money and (2) job security. Board proposals which are unrealistic in these areas will create deep impasses. (By the same token, Union proposals outside these two areas will not produce irreconcilable impasses).
4) The main goals of bargaining from the Board's point of view are:

a) Retaining or regaining the right to manage; and
b) Controlling costs.

However, the Board should refrain from demanding language to achieve these goals when the language is intended as a substitute for poor management practices.